

III. REMARKS

Claims 1-10 and 15 are pending in this application. By this Amendment, the specification and claims 1, 2, 9 and 10 have been amended; and claims 11 and 13-14 has been cancelled. The above amendments are provided to facilitate early allowance of the claimed subject matter. Applicants do not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

Entry of this Amendment is proper under 37 C.F.R. §1.116(b) because the Amendment: (a) places the application in condition for allowance as discussed below; (b) does not raise any new issues requiring further search and/or consideration; and (c) places the application in better form for appeal. Accordingly, Applicants respectfully request entry of this Amendment.

In the Office Action, claim 2 is objected because of an informality. Applicants have amended claim 2 to correct the typographical error and respectfully request that the objection be withdrawn.

In the Office Action, claims 1-11 and 13-15 are rejected under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the written description requirement. Specifically, the Office states the limitation, “a communication component for communicating the feedback...” included in claims 1 and 9 does not have support in the specification. Applicants have amended claims 1 and 9 to better clarify the invention. Support for this amendment can be

found on p. 9, line 9 of the specification. Accordingly, Applicants respectfully request that this rejection be withdrawn.

In the Office Action, claims 1-11 and 13-15 are also rejected under 35 U.S.C. 112, first paragraph, as allegedly failing to disclose the best mode contemplated by the inventor. The Offices points to the statement in the specification that “the preferred embodiment uses the IBM Recommendation Assistant Framework as a front end” and the inability of Applicants to provide additional documentary support describing this framework as proof of concealment of the best mode. Applicants respectfully disagree. First, the functionality of the framework that is referred to in the specification as the preferred embodiment is fully disclosed in the specification, and Applicants do not believe further documentary support is necessary. For example, the specification indicates that the framework calls the reasoning model of the claimed invention, and that the framework has a mechanism to communicate to the consumer and a mechanism to collect responses from the consumer. Applicants are not concealing anything, and the fact that further documentation is unavailable at this point in time is not proof of any concealment.

Second, in addition to the fact that the framework is fully described in the specification, it is important to note that this specific framework is not part of the claimed invention. The claimed invention is directed to a reasoning model. The Applicants added in a “communication” step to comply with the Office’s concept of statutory subject matter under 35 U.S.C. 101, but the invention remains directed to a reasoning model, that communicates with a webserver, to get the results of the reasoning model to a consumer. In view of the above, Applicants believe that the best mode of their invention, i.e. the reasoning model, is disclosed in the specification.

Accordingly, Applicants respectfully request withdrawal of the rejection.

In the Office Action, claims 10-11 and 13-15 are also rejected under 35 U.S.C. 112, second paragraph, as allegedly failing to particularly point out and distinctly claim the subject matter which applicant regards as his invention. By this Amendment, claim 10 has been amended according to the Office's suggestion. With respect to claim 15, the Office states that it is "unclear what the 'computer infrastructure' is referred to in the specification." Office Action, p. 4. Applicants respectfully submit that one of ordinary skill in the art would have no problem understanding the term "computer infrastructure." As the specification repeatedly indicates, the reasoning model of the claimed invention can be used in connection with a website and the internet, which necessarily involves a computer infrastructure. The Office further states that the term "computer-readable medium" was not explicitly disclosed in the original disclosure. Applicants disagree that this term can form the basis of a proper 35 U.S.C. 112, second paragraph, rejection. Again, one of ordinary skill in the art would have no trouble understanding the term computer-readable medium. Also, with respect to claims 11 and 13-14, Applicants do not concede to the Office's arguments regarding 35 U.S.C. 101, but have canceled those claims to facilitate an early allowance. Accordingly, Applicants respectfully request withdrawal of the rejection.

In the Office Action, claims 1, 4-8, 10, 11 and 13-15 are rejected under 35 U.S.C. §102(e) as being anticipated by Mattern et al. (USPN 6,763,342), hereinafter "Mattern"; and claims 2-3, 9, 10-11 and 13-14 are rejected under 35 U.S.C. §103(a) as being unpatentable over Mattern in view of Herz et al. (US Pub. No. 2001/0014868), hereinafter "Herz." Applicants respectfully submit that the claimed invention is allowable for at least the reasons stated below.

With regard to claims 1, 9, 10 and 15, Applicants submit that Mattern does not disclose each and every claimed feature. For example, Mattern does not disclose, *inter alia*, “wherein the feedback nodes are configured to provide either an interim or final recommendation to the user” as recited in claims 1 and 9, and incorporated in claims 10 and 15. Mattern discloses retrieving information from a decision path and providing a solution to a user. (See generally steps 504-518, cols. 11-12.) However, Mattern does not disclose providing a recommendation to a user even when the reasoning model has not reached the end of a tree, i.e. an interim recommendation. In contrast the claimed invention can provide a recommendation to a user at point nearer to an entry point, i.e., based on incomplete information, when the system determines that a user may be losing interest, or where the information returned from question nodes that follow in the graph are expected to be subject to diminishing returns. Mattern does not disclose a system that is configured to provide such an interim recommendation. As such, Mattern does not disclose each and every claimed feature of the claimed invention and accordingly Applicants request that this rejection be withdrawn.

With respect to claim 9, the above arguments also apply. Applicants further submit that Herz does not overcome the above-identified deficiencies of Mattern.

With regard to the Office's other arguments regarding dependent claims, Applicant herein incorporates the arguments presented above with respect to independent claims listed above. In addition, Applicant submits that all dependant claims are allowable based on their own distinct features. However, for brevity, Applicant will forego addressing each of these rejections individually, but reserves the right to do so should it become necessary. Accordingly, Applicant respectfully requests that the Office withdraw its rejection.

IV. CONCLUSION

Applicants submit that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicants do not acquiesce to the Office's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicants do not acquiesce to the Office's combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office's combinations and modifications have not been separately addressed herein for brevity. However, Applicants reserve the right to present such arguments in a later response should one be necessary.

In light of the above, Applicants respectfully submit that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,

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